AdvanceMe Inc v. RapidPay LLC

Case 6:05-cv-00424-LED Document 195 Filed 01/19/2007 Page 1 of 2

EXHIBIT 9

TO AFFIDAVIT OF ROBERT C. MATZ IN SUPPORT OF ADVANCEME, INC.'S EMERGENCY MOTION TO QUASH OR MODIFY THE SUBPOENAS OF CLIFF HARDWICK AND JOHN KONOP, OR, IN THE ALTERNATIVE, FOR A PROTECTIVE ORDER

Doc: 195 Att. 9

IRELAND, CARROLL & KELLEY, P.C.

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January 18, 2007

Via facsimile and email

Mr. Doug McSwane POTTER MINTON A Professional Corporation 110 N. College, Suite 500 Tyler, Texas 75702

Re: Civil Action No. 6:05-CV-424(Davis); AdvanceMe, Inc. vs. Rapid Pay LLC, et al

and

Civil Action No. 6:06-CV-82(Davis); AdvanceMe, Inc. vs. AmeriMerchant LLC

Dear Doug:

Further to our conversation of this afternoon, my folks simply cannot staff the third-party depositions your people noticed for this weekend in Atlanta. As I explained, the notices took our folks by surprise. They say they were unable to get anyone from V&E to talk with them about their concerns. Accordingly, we'll have to file some motion tomorrow to quash these things unless you can get V&E to pull them down, give us an opportunity to agree to a date, and move forward according to the Rules.

Please let me hear from you when you talk to Joey.

Best regards,

Otis Carroll For the Firm

OC:sb

cc: Ron Lemieux